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FROM : Oleg F. Kaplun, Esq. of Fay Kaplun & Marcin, LLP
DATE : October 9, 2007
SUBJECT : U.S. Patent Appln. Serial No. 10/521,863
for *Viewing System*
Phillips Ref.: NL020680

NUMBER OF PAGES INCLUDING COVER : 17

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Attorney Docket No. US 020680

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Diederiks et al.
Serial No. : 10/521,863
Filing Date : January 21, 2005
For : VIEWING SYSTEM
Group Art Unit : 2624
Examiner : Nathan J. Bloom
Conf. No. : 1265

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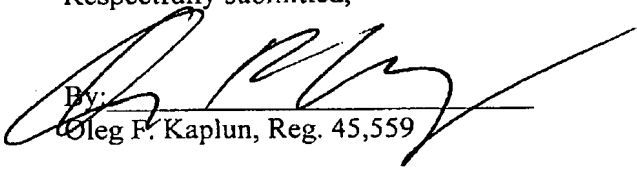
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By: Oleg F. Kaplun, Reg. No. 45,559	Date: October 9, 2007

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Respectfully submitted,

Dated: October 9, 2007

By: 
Oleg F. Kaplun, Reg. 45,559

Attorney Docket No. US 020680

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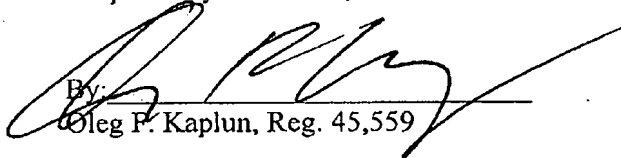
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Respectfully submitted,

Dated: October 9, 2007

By: 
Oleg F. Kaplun, Reg. 45,559

Serial No.: 10/521,863
Attorney Docket No.: NL 020 680
Group Art Unit: 2624

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Diederiks et al.

Serial No.: 10/521,863

Filed: January 21, 2005

For: VIEWING SYSTEM

Conf. No.: 1265

Group Art Unit: 2624

Examiner: Nathan J. Bloom

**Board of Patent Appeals and
Interferences**

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Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

In support of the Notice of Appeal filed on August 9, 2007, and pursuant to 37 C.F.R. § 41.37, Appellants present this Appeal Brief in the above-captioned application.

This is an appeal to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims 1-8 and 10-15 in the Final Office Action dated May 9, 2007 as clarified in the Advisory Action dated July 24, 2007. The appealed claims are set forth in the attached Claims Appendix.

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Attorney Docket No.: NL 020 680
Group Art Unit: 2624

1. Real Party in Interest

This application is assigned to Koninklijke Philips Electronics N.V., the real party in interest.

2. Related Appeals and Interferences

There are no other appeals or interferences that would directly affect, be directly affected, or have a bearing on the instant appeal.

3. Status of the Claims

Claims 1-8 and 10-15 have been rejected in the 05/09/07 Final Office Action. Claims 9 and 16 have been cancelled. The final rejection of claims 1-8 and 10-15 is being appealed.

4. Status of Amendments

All amendments submitted by Appellants have been entered. It is noted that Appellants submitted an After Final Amendment on July 9, 2007 canceling claims 9 and 16 and incorporating their subject matter into independent claims 1 and 10, respectively. The Examiner has entered this amendment for purposes of this Appeal Brief. (See 07/24/07 Advisory Action).

5. Summary of Claimed Subject Matter

The present invention, as recited in independent claim 1, relates to a viewing system comprising display means (3) and an imaging system (7) connected to the display means (3). (See Specification, p. 1, lines 2-3; FIG. 1). The display means (3) are arranged to display an image based on signals received from the imaging system (7). (See *Id.*, p. 4, line 10; FIG. 2). Further, the spatial orientation of the display means (3) is adjustable. (See *Id.*, p. 4, lines 17-18). The viewing system's imaging system comprises a plurality of cameras (7), each of the cameras (7) providing a different view. (See *Id.*, p. 2, lines 18-21; p. 5, lines 3-10; FIG. 2). The imaging system further comprises orientation adjusting means (8) arranged to adjust the viewing orientation of the imaging system. (See *Id.*, p. 4, lines 1-2, 22-23; FIG. 2). The viewing system also comprises sensor means (5) for detecting adjustments in the orientation of the display means (3), the sensor means being connected (6) to the orientation means (8). (See *Id.*, p. 4, lines 18-19; p. 3, line 33 – p. 4, line 1; FIG. 2). The orientation adjusting means (8) are arranged to adjust

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the viewing orientation of the imaging system based on signals received from the sensor means (5). (See Id., p. 4, lines 1-2; p. 4, lines 19-21; FIG. 2). The viewing system further comprises an image processing means (11) arranged to eliminate high lights in the registered image. (See Id., p. 4, lines 32-33).

The present invention, as recited in independent claim 10, relates to a viewing system comprising a display means (3) and an imaging system (7) connected to the display means (3). (See Specification, p. 1, lines 2-3; FIG. 1). The display means (3) is arranged to display an image based on signals received from the imaging system (7). (See Id., p. 4, line 10; FIG. 2). Further, the spatial orientation of the display means (3) is adjustable. (See Id., p. 4, lines 17-18). The imaging system comprises orientation adjusting means (8) arranged to adjust the viewing orientation of the imaging system. (See Id., p. 4, lines 1-2, 22-23; FIG. 2). The imaging system further comprises sensor means (5) for detecting adjustments in the orientation of the display means (3). (See Id., p. 4, lines 18-19; FIG. 2). The sensor means (5) are connected (6) to the orientation adjustment means (8) and the orientation adjusting means (8) are arranged to adjust the viewing orientation of the imaging system based on signals received from the sensor means (5). (See Id., p. 3, line 33 – p. 4, line 1; p. 4, lines 1-2; p. 4, lines 19-21; FIG. 2). The imaging system further comprises image processing means (11) arranged to process the image. (See Id., p. 4, lines 31-32). The image processing means (11) are arranged to process additional information concerning the status of the vehicle or its surroundings for display on the display means (3). (See Id., p. 5, lines 4-5). The image processing means (11) are arranged to eliminate high lights in the registered image. (See Id., p. 4, lines 32-33).

6. Grounds of Rejection to be Reviewed on Appeal

I. Claims 10-15 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 7,006,129 to McClure in view of U.S. Pat. Pub. 2002/0003571 to Schofield et al. (hereinafter “Schofield”).

II. Claims 1-8 are rejected under 35 U.S.C. § 103(a) as unpatentable over McClure in view of Schofield in view of U.S. Pat. Pub. 2003/0214584 to Ross, Jr. (hereinafter “Ross”).

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7. Argument

I. The Rejection of Claims 10-15 Under 35 U.S.C. § 103(a) Should Be Reversed.

A. The Examiner's Rejection

The Examiner rejected claims 10-15 under 35 U.S.C. § 103(a) as unpatentable over McClure in view of Schofield. (See 05/09/07 Office Action, pp. 2-5).

McClure teaches a "rear-view display system for a vehicle comprising a camera that is disposed near the rear of the vehicle and being generally rearwardly directed." (See McClure, Abstract). The captured image is displayed on a display to allow the driver to "view the area behind the vehicle as if the driver were looking into a conventional rear-view mirror." (See Id.). McClure discloses the use of the servo system in conjunction with a single camera. The servo system "controls the angle or the direction of the camera 150." (See McClure, col. 4, lines 51-52). McClure is specifically directed towards solving problems associated with conventional side-mounted rear-view mirrors, namely blind-spots associated therewith. No other use of McClure's invention is taught or suggested. (See McClure, col. 1, line 10 – col. 2, line 6).

Schofield teaches a vehicular video mirror system including a rear-view mirror assembly and a video display assembly. (See Schofield, Abstract). Schofield states that the video display may be used with at least one of a rear back-up camera, a baby-minder camera, and a sideline-viewing camera. (See Schofield, ¶ [0004]). Schofield teaches that a user selects from a plurality of views provided by fix-mounted cameras. (See Schofield, ¶ [0262]).

B. McClure and Schofield, Either Alone Or In Combination, Do Not Disclose Or Suggest The Image Processing Means Arranged To Eliminate High Lights In The Registered Image As Recited In Claim 10.

In the Amendment in response to the 05/09/07 Final Office Action, claim 10 was amended to incorporate cancelled claim 16. Therefore, claim 10 recites "a viewing system further comprising an image processing means arranged to eliminate high lights in the registered image."

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The Examiner asserted, in the Final Office Action, that McClure discloses "a viewing system further comprising an image processing means arranged to eliminate high lights in the registered image," as recited in claim 10. (See 05/09/07 Office Action, p. 5, lines 10-12). The Examiner states that McClure includes the aforementioned feature and is known in the art. (See *Id.*) (citing McClure, col. 7, ll. 38-44). This assertion was reaffirmed by the Examiner in the Advisory Action. (See 07/24/07 Advisory Action, p. 2).

The cited passage from McClure states, "the camera will be appropriately equipped to adjust its lighting conditions such that an appropriate display may be provided even though another vehicle is close behind with headlights shining into the camera. Technology for this type of lighting adjustments is known, and therefore need not be described herein." (See McClure, col. 7, lines 38-44). However, while McClure does mention that the camera will be equipped to adjust lighting conditions when a vehicle is close behind with headlights, McClure does not say how this will be done. McClure only gives a blanket statement stating that technology of this type of lighting adjustment is known. McClure does not discuss "the image processing means arranged to eliminate high lights in the registered image," as recited in claim 10.

In McClure's discussion of known technologies for adjusting to lighting conditions, only the camera and/or lens features were described. (See McClure, col. 7, lines 32-44). Any known technologies of camera and/or lens features in adjusting to lighting conditions would be adjustments to the image **prior** to the image being registered and **not** "in the registered image," as recited in claim 10. For example, if there is little light, the iris on the camera will open up to let in the maximum amount of light. Further, if there is too much light, the iris may need to be closed to reduce the amount of light. The iris lighting condition adjustments are done **before** registering an image. In McClure's viewing system, the camera cannot "eliminate high lights *in the registered image*," as recited in claim 10. The only disclosure in McClure about a registered image is that the display driver 132 will "perform a "left/right reversal of the image that is to be presented on the display 130." (See McClure, col. 5, lines 31-34). That is, McClure does not include any process means relating to light with the registered image.

Schofield does not cure the above-described deficiency of McClure with respect to claim 10. Specifically, Schofield discloses a filter 8640 that is aligned over opening 8614a to adjust for bright light or low light conditions. (See Schofield, ¶ [0478]). Like McClure,

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Schofield's filter adjusts for lighting conditions **before** registering an image. Therefore, Schofield does not disclose "a viewing system further comprising an image processing means arranged to eliminate high lights in the registered image," as recited in claim 10.

Accordingly, McClure and Schofield, either alone or in combination, do not teach nor suggest "a viewing system further comprising an image processing means arranged to eliminate high lights in the registered image," as recited in claim 10, and therefore this rejection should be overturned. Because claims 11-15 depend from, and, therefore, include all of the limitations of claim 10, Appellants respectfully submit that these claims are also allowable for at least the reasons stated above.

II. The Rejection of Claims 1-8 Under 35 U.S.C. § 103(a) Should Be Reversed.

A. The Examiner's Rejection

The Examiner rejected claim 1 under 35 U.S.C. § 103(a) as unpatentable over McClure in view of Schofield and Ross. (See 05/09/07 Office Action, pp. 5-6).

McClure and Schofield were discussed above. Ross teaches "vision enhancing devices for vehicles", specifically "for improving side and rear vision." (See Ross, ¶ [0002]). Ross is specifically directed to towards problems associated with "blind" spots. (See Ross, ¶¶ [0004]-[0008]).

B. McClure, Schofield and Ross, Either Alone Or In Any Combination, Do Not Disclose Or Suggest The Image Processing Means Arranged To Eliminate High Lights In The Registered Image As Recited In Claim 1.

In the Amendment in response to the 05/09/07 Final Office Action, claim 1 was amended to incorporate cancelled claim 9. Therefore, claim 1 recites "a viewing system further comprising an image processing means arranged to eliminate high lights in the registered image."

The Examiner asserted, in the Final Office Action, that McClure discloses "a viewing system further comprising an image processing means arranged to eliminate high lights in the registered image," as recited in claim 1. (See 05/09/07 Office Action, p. 6, lines 16-17; p.

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5, lines 10-12). The Examiner states that McClure includes the aforementioned feature and is known in the art. (See Id.). This assertion was reaffirmed by the Examiner in the Advisory Action. (See 07/24/07 Advisory Action, p. 2).

McClure and Schofield were discussed above. Ross does not cure the above-described deficiency of McClure with respect to claim 1. Specifically, Ross is completely silent with respect to any type of light adjustments. Therefore, Ross does not disclose "a viewing system further comprising an image processing means arranged to eliminate high lights in the registered image," as recited in claim 10.

Accordingly, McClure, Schofield, and Ross, either alone or in any combination, do not teach nor suggest "a viewing system further comprising an image processing means arranged to eliminate high lights in the registered image," as recited in claim 1, and therefore this rejection should be overturned. Because claims 2-8 depend from, and, therefore, include all of the limitations of claim 1, Appellants respectfully submit that these claims are also allowable for at least the reasons stated above.

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8. Conclusion

For the reasons set forth above, Appellants respectfully request that the Board reverse the rejection of the claims by the Examiner under 35 U.S.C. § 103(a), and indicate that claims 1-16 are allowable.

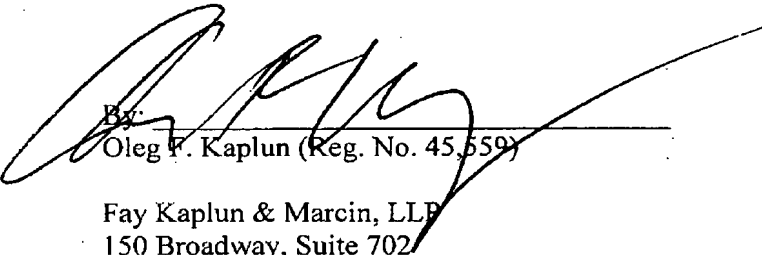
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CLAIMS APPENDIX

1. (Previously Presented) Viewing system comprising display means and an imaging system connected to the display means,
 - the display means being arranged to display an image based on signals received from the imaging system,
 - the spatial orientation of the display means being adjustable,
 - the imaging system comprising a plurality of cameras, each of the cameras providing a different view and
 - the imaging system further comprising orientation adjusting means arranged to adjust the viewing orientation of the imaging system,
 - characterized in that
 - the viewing system further comprises sensor means for detecting adjustments in the orientation of the display means, the sensor means being connected to the orientation adjustment means and
 - the orientation adjusting means being arranged to adjust the viewing orientation of the imaging system based on signals received from the sensor means,
 - the viewing system further comprising an image processing means arranged to eliminate high lights in the registered image.
2. (Previously Presented) Viewing system according to claim 1, characterized in that the plurality of cameras are positioned in a vehicle and chosen from the group of: rear-view camera; interior camera; tire camera; blind angle camera.
3. (Previously Presented) Viewing system according to claim 1, characterized in that the imaging system comprises image processing means arranged to process the images received from each of the cameras.

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4. (Original) Viewing system according to claim 3, characterized in that the image processing means are arranged to process additional information concerning the status of the vehicle or its surroundings for display on the display means.
5. (Original) Viewing system according to claim 3, characterized in that the image processing means are arranged to display one or more images at the same time or one after the other on the display means.
6. (Original) Viewing system according to claim 4, characterized in that the viewing system further comprises selection means connected to the image processing means to select which image and/or which additional information is displayed by the display means.
7. (Original) Viewing system according to claim 1, in which the display means are positioned as a rear-view mirror in a vehicle.
8. (Original) Viewing system according to claim 1, in which the display means are adjustable in a tilt and a pan direction.
9. (Cancelled)
10. (Previously Presented) A viewing system, comprising:
 - display means; and
 - an imaging system connected to the display means,
 - wherein the display means is arranged to display an image based on signals received from the imaging system, the spatial orientation of the display means being adjustable, and
 - wherein the imaging system further comprises (a) orientation adjusting means arranged to adjust the viewing orientation of the imaging system, (b) sensor means for detecting adjustments in the orientation of the display means and (c) image processing means arranged to process the image, the sensor means being connected to the orientation adjustment means and the orientation adjusting means being arranged to adjust the

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viewing orientation of the imaging system based on signals received from the sensor means, the image processing means being arranged to process additional information concerning the status of the vehicle or its surroundings for display on the display means.

the viewing system further comprising an image processing means arranged to eliminate high lights in the registered image.

11. (Previously Presented) Viewing system according to claim 10, wherein imaging system comprises one or more cameras positioned in a vehicle chosen from the group of: rear-view camera; interior camera; tire camera; blind angle camera.
12. (Previously Presented) Viewing system according to claim 10, wherein the image processing means are arranged to display one or more images at the same time or one after the other on the display means.
13. (Previously Presented) Viewing system according to claim 10, wherein the viewing system further comprises selection means connected to the image processing means to select which image and/or which additional information is displayed by the display means.
14. (Previously Presented) Viewing system according to claim 10, wherein the display means are positioned as a rear-view mirror in a vehicle.
15. (Previously Presented) Viewing system according to claim 10, wherein the display means are adjustable in a tilt and a pan direction.
16. (Cancelled)

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EVIDENCE APPENDIX

No evidence has been submitted herewith or is relied upon in the present appeal.

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RELATED PROCEEDINGS APPENDIX

There are no related proceedings or decisions that relate to the present appeal.